

Attorney's Docket No. 25-0006
Client's Docket No. P1717US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 17 2005

TC/A.U.: 2182
Examiner: Eron J. Sorrell
Attorney: Jeffrey A. Proehl

**Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

DECLARATION UNDER RULE 131 (37 CFR 1.131)

Declarant, Jeffrey A. Proehl, first being duly sworn, states that:

I have personal and direct information that the invention disclosed and claimed in U.S. Patent Application 09/919,556, filed July 31, 2001, entitled "INTELLIGENT DHCP", was (1) conceived in the United States before July 23, 2001, the filing date of U.S. Patent Application that forms the basis of the U.S. Patent Application Publication No. 2003/0028650 (the '650 publication), (2) was constructively reduced to practice on July 31, 2001, by the filing of the instant application, and (3) that such reduction to practice was diligently pursued for the period between just prior to

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Reply to Office Action mailed November 17, 2004

July 23, 2001, to the July 31, 2001 filing date of the instant application.

I am a registered patent attorney, Registration No. 35,987, and have been a member in good standing of the Minnesota Bar since 1991 and the South Dakota Bar since 2000.

I have been given power of attorney by the assignee, Gateway, Inc., to prosecute the above-identified application. To this end, I have reviewed the original file of this application and the documents submitted herewith as Exhibits A to C are copies of documents taken directly from that file.

The file includes copies of:

1) a letter from Gateway legal department personnel to the inventor, Erik G. Burrows, dated July 23, 2001 (and labeled as "Exhibit A"), enclosing a "final draft of your patent application" seeking the inventor's final review of the draft that became the present patent application;

2) an email reply from the inventor to gateway legal department personnel, dated July 23, 2001 (and labeled "Exhibit B"), indicating that the draft was correct and requesting a hardcopy of the patent application for execution; and


3) an email from Gateway legal department personnel to the inventor, dated July 24, 2001 (and labeled "Exhibit C"), indicating that hardcopies of the patent application documents were sent to the inventor.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

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belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

By:  Date: FEB 17, 2005
Jeffrey A. Proehl